

1 Lynda J. Zadra-Symes (SBN 156,511)
Lynda.Zadra-Symes@kmob.com
2 Jeffrey L. Van Hoosear(SBN : 147,751)
Jeffrey.VanHoosear@kmob.com
3 David G. Jankowski (SBN 205,634)
David.iankowski@kmob.com
4 KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
5 Fourteenth Floor
Irvine, CA 92614
6 Phone: (949) 760-0404
Facsimile: (949) 760-9502

7 Attorneys for Defendant/Counter-Plaintiff,
8 KEATING DENTAL ARTS, INC.

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION

13 JAMES R. GLIDEWELL DENTAL
14 CERAMICS, INC. dba GLIDEWELL
LABORATORIES,

15 Plaintiff,

16 v.

17 KEATING DENTAL ARTS, INC.

18 Defendant.

19 AND RELATED
20 COUNTERCLAIMS.

) Civil Action No.
) SACV11-01309-DOC(ANx)

) **SECOND DECLARATION OF**
) **LORI BOATRIGHT IN**
) **SUPPORT OF KEATING**
) **DENTAL ARTS, INC.'S REPLY**
) **TO THE MOTION FOR**
) **SUMMARY JUDGMENT**
) **CANCELING GLIDEWELL'S**
) **TRADEMARK REGISTRATION**
) **AND OF NONINFRINGEMENT**
) **OF GLIDEWELL'S BRUXZIR®**
) **TRADEMARK**

) Date: December 17, 2012
) Time: 8:30 a.m.
) Location: Courtroom 9D

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23 Honorable David O. Carter
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1 I, Lori Boatright, hereby declare as follows:

2 I am the Chair of the Trademark Practice Group at the intellectual
3 property law firm Blakely Sokoloff Taylor & Zafman, LLP ("BSTZ"). I have
4 personal knowledge of the matters set forth herein. If called upon to testify, I
5 could and would testify competently to them.

6 1. As I stated in my Rebuttal Report (page 16 lines 12-14), a web
7 search similar to "crowns designed for bruxers" should have been performed by
8 the Trademark Examining Attorney for the BRUXZIR mark.

9 2. As I stated in my Rebuttal Report (page 14 line 25 through page 16
10 line 11) my own web search of "crowns designed for bruxers" returned results
11 of competitors of Keating and Glidewell that sell zirconia dental crowns. I
12 personally viewed and printed the pages from the Internet that illustrate the
13 search I performed and the information I found as a result. I submitted these
14 documents to attorneys for Keating to be produced in this case. True and
15 correct copies of these documents were attached to Mr. Jankowski's declaration
16 dated November 19, 2012 as Exhibit 44.

17 3. The documents which I personally printed from the Internet and
18 which are included in Exhibit 44 include:

- 19 • On October 13, 2012 I personally conducted an Internet search using
20 the search engine at <http://www.google.com> for the phrase "crowns
21 designed for bruxers" during my research for this case. This search
22 led me to many relevant webpages which I personally viewed and
23 printed for the purposes of my Rebuttal report. The following day, on
24 October 14, 2012, I once again ran this same report at
25 <http://www.google.com> and I personally printed page four of the
26 search results returned by google's search engine on that day. Exhibit
27 44 contains a true and correct copy of the printout of this webpage on
28 that date. This copy has not been altered except that production

1 number BOATRRIGHT000055 was added to this document during the
2 course of this litigation for identification purposes.

- 3 • On October 13, 2012 I personally viewed the webpage found at
4 http://www.gpsdental.com/crowns_products.htm and printed a copy
5 of that page. After printing this webpage, I drew arrows on the
6 printout to indicate the information I deemed of interest to my
7 analysis. Exhibit 44 contains a true and correct copy of the printout
8 of this webpage on that date and the arrows I drew on the printout.
9 This copy has not otherwise been altered except that production
10 numbers BOATRRIGHT000056 through BOATRRIGHT000058 were
11 added to this document during the course of this litigation for
12 identification purposes.
- 13 • On October 13, 2012 I personally viewed the webpage found at
14 <http://www.restorativearts.com/metalfree.html> and printed a copy of
15 that page. After printing this webpage, I drew an arrow on the
16 printout to indicate the information I deemed of interest to my
17 analysis. Exhibit 44 contains a true and correct copy of the printout
18 of this webpage on that date and the arrow I drew on the printout.
19 This copy has not otherwise been altered except that production
20 numbers BOATRRIGHT000059 through BOATRRIGHT000060 were
21 added to this document during the course of this litigation for
22 identification purposes.
- 23 • On October 13, 2012 I personally viewed the webpage found at
24 <http://www.restorativearts.com/featured.html> and printed a copy of
25 that page. After printing this webpage, I drew an arrow on the
26 printout to indicate the information I deemed of interest to my
27 analysis. Exhibit 44 contains a true and correct copy of the printout
28 of this webpage on that date and the arrow I drew on the printout.

1 This copy has not otherwise been altered except that production
2 numbers BOATRIGHT000061 through BOATRIGHT000062 were
3 added to this document during the course of this litigation for
4 identification purposes.

- 5 • On October 13, 2012 I personally viewed the webpage found at
6 <http://www.toothstudio.com/full-contour-zirconia.php> and printed a
7 copy of that page. After printing this webpage, I drew arrows on the
8 printout to indicate the information I deemed of interest to my
9 analysis. Exhibit 44 contains a true and correct copy of the printout
10 of this webpage on that date and the arrows I drew on the printout.

11 This copy has not otherwise been altered except that production
12 numbers BOATRIGHT000063 through BOATRIGHT000065 were
13 added to this document during the course of this litigation for
14 identification purposes.

- 15 • On October 13, 2012 I personally viewed the webpage found at
16 [http://www.cosmetilab.com/products-](http://www.cosmetilab.com/products-services/FullZirconia/index.html)
17 [services/FullZirconia/index.html](http://www.cosmetilab.com/products-services/FullZirconia/index.html) and printed a copy of that page.
18 After printing this webpage, I drew an arrow on the printout to
19 indicate the information I deemed of interest to my analysis. Exhibit
20 44 contains a true and correct copy of the printout of this webpage on
21 that date and the arrow I drew on the printout. This copy has not
22 otherwise been altered except that production number
23 BOATRIGHT000066 was added to this document during the course
24 of this litigation for identification purposes.

- 25 • On October 13, 2012 I personally viewed the webpage found at
26 <http://www.mgill.co.uk/crowns.htm> and printed a copy of that page.
27 After printing this webpage, I drew an arrow on the printout to
28 indicate the information I deemed of interest to my analysis. Exhibit

1 44 contains a true and correct copy of the printout of this webpage on
2 that date and the arrow I drew on the printout. This copy has not
3 otherwise been altered except that production numbers
4 BOATRRIGHT000067 through BOATRRIGHT000068 were added to
5 this document during the course of this litigation for identification
6 purposes.

- 7 • On October 13, 2012 I personally viewed the webpage found at
8 [http://www.cosmeticdentistryofsa.com/dental-implants/san-antonio-
10 restorative-dentistry/dental-crowns/](http://www.cosmeticdentistryofsa.com/dental-implants/san-antonio-
9 restorative-dentistry/dental-crowns/) and printed a copy of that page.
11 After printing this webpage, I drew a bracket on the printout to
12 indicate the information I deemed of interest to my analysis. Exhibit
13 44 contains a true and correct copy of the printout of this webpage on
14 that date and the bracket I drew on the printout. This copy has not
15 otherwise been altered except that production numbers
16 BOATRRIGHT000069 through BOATRRIGHT000070 were added to
17 this document during the course of this litigation for identification
18 purposes.
- 19 • On October 13, 2012 I personally viewed the webpage found at
20 [https://www.aurumgroup.com/files/aboutaurum/Opalite_4pp_CA_FI
22 NAL.pdf](https://www.aurumgroup.com/files/aboutaurum/Opalite_4pp_CA_FI
21 NAL.pdf) and printed a copy of that page. After printing this
23 webpage, I drew arrows on the printout to indicate the information I
24 deemed of interest to my analysis. Exhibit 44 contains a true and
25 correct copy of the printout of this webpage on that date and the
26 arrows I drew on the printout. This copy has not otherwise been
27 altered except that production numbers BOATRRIGHT000071 through
28 BOATRRIGHT000072 were added to this document during the course
of this litigation for identification purposes.

- On October 13, 2012 I personally viewed the webpage found at

1 <http://www.aurumgroup.com/files/July%202010/G250->

2 [Opalite%20C&B%20BdShtEng_final3-5.pdf](http://www.aurumgroup.com/files/July%202010/G250-Opalite%20C&B%20BdShtEng_final3-5.pdf) and printed a copy of
3 that page. After printing this webpage, I drew a line on the printout to
4 indicate the information I deemed of interest to my analysis. Exhibit
5 44 contains a true and correct copy of the printout of this webpage on
6 that date and the line I drew on the printout. This copy has not
7 otherwise been altered except that production number
8 BOATRRIGHT000073 was added to this document during the course
9 of this litigation for identification purposes.

- 10 • On October 13, 2012 I personally viewed the webpage found at
11 <http://www.bonadent.com/pages/products/ceramics/completez/> and
12 printed a copy of that page. After printing this webpage, I drew an
13 arrow on the printout to indicate the information I deemed of interest
14 to my analysis. Exhibit 44 contains a true and correct copy of the
15 printout of this webpage on that date and the arrow I drew on the
16 printout. This copy has not otherwise been altered except that
17 production number BOATRRIGHT000074 was added to this document
18 during the course of this litigation for identification purposes.

- 19 • On October 13, 2012 I personally viewed the webpage found at
20 <http://www.barthlab.com/dental-lab-products/z-brux-crown/> and
21 printed a copy of that page. Exhibit 44 contains a true and correct
22 copy of the printout of this webpage on that date. This copy has not
23 been altered except that production numbers BOATRRIGHT000075
24 through BOATRRIGHT000076 were added to this document during
25 the course of this litigation for identification purposes.

- 26 • On October 13, 2012 I personally viewed the webpage found at
27 <http://www.showcasedental.com/about/events.html> and printed a
28 copy of that page. Exhibit 44 contains a true and correct copy of the

1 printout of this webpage on that date. This copy has not otherwise
2 been altered except that production number BOATRRIGHT000077
3 was added to this document during the course of this litigation for
4 identification purposes.

- 5 • On October 13, 2012 I personally viewed the webpage found at
6 <http://www.showcasedental.com/about/products.html> and printed a
7 copy of that page. After printing this webpage, I drew an arrow on
8 the printout to indicate the information I deemed of interest to my
9 analysis. Exhibit 44 contains a true and correct copy of the printout
10 of this webpage on that date and the arrow I drew on the printout.
11 This copy has not otherwise been altered except that production
12 number BOATRRIGHT000078 was added to this document during the
13 course of this litigation for identification purposes.


- 14 • On October 13, 2012 I personally viewed the webpage found at
15 <http://www.livestrong.com/article/4984-need-bruxism/> and printed a
16 copy of that page. After printing this webpage, I drew an arrow on
17 the printout to indicate the information I deemed of interest to my
18 analysis. Exhibit 44 contains a true and correct copy of the printout
19 of this webpage on that date and the arrow I drew on the printout.
20 This copy has not otherwise been altered except that production
21 number BOATRRIGHT000079 was added to this document during the
22 course of this litigation for identification purposes.

- 23 • On October 13, 2012 I personally viewed the webpage found at
24 [https://www.thecuriousdentist.com/case-study-replacing-an-rpd-on-a-](https://www.thecuriousdentist.com/case-study-replacing-an-rpd-on-a-bruxer/)
25 [bruxer/](https://www.thecuriousdentist.com/case-study-replacing-an-rpd-on-a-bruxer/) and printed a copy of that page. After printing this webpage,
26 I drew arrows on the printout to indicate the information I deemed of
27 interest to my analysis. Exhibit 44 contains a true and correct copy of
28 the printout of this webpage on that date and the arrows I drew on the

1 printout. This copy has not otherwise been altered except that
2 production numbers BOATRRIGHT000080 through
3 BOATRRIGHT000082 were added to this document during the course
4 of this litigation for identification purposes.
5

6 I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct.

8 Executed December 3, 2012, in San Diego, California.
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11 Lori Boatright
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